

IN RE: PETITION FOR ZONING VARIANCE
NE/S Goose Neck Road, 1250'
NW of Goose Harbor Road
(1302 Goose Neck Road)
15th Election District
5th Councilmanic District
Eugene A. Sobul, Sr.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-345-A

FINDING OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 10 feet and 24 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C. 5, is located in the Critical Areas of the Chesapeake Bay. The property is an unimproved building lot consisting of approximately .25 acres, plus or minus, and is only 50 feet wide. The Petitioner testified that the property was a gift from his sister in 1969. Petitioner proposes to construct a one-story dwelling, approximately 16 feet wide by 42 feet long, for himself. The Petitioner indicated that due to the width of the lot, there is no way he can comply with the setback requirements of the zoning regulations.

The Petitioner seeks relief from Section 1A04.3B3 pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973).

It is clear from the testimony that if the variances were granted, subject to the restrictions as more fully described below, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare if Petitioner complies with the conditions set forth herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted, subject to the restrictions set forth below.

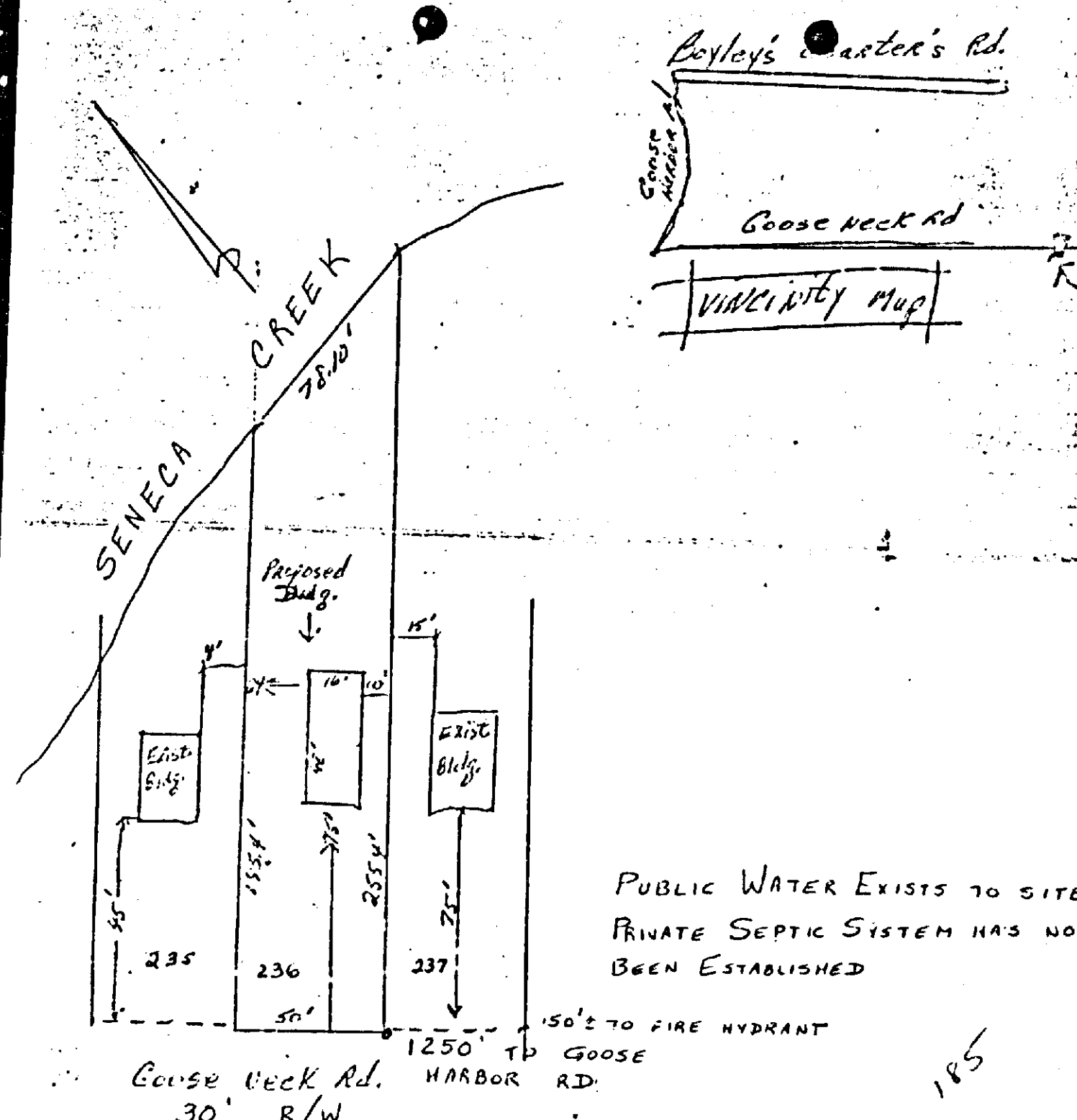
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of April, 1988 that side yard setbacks of 10 feet and 24 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall comply with the requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated March 15, 1988 and December 29, 1987 attached hereto and made a part hereof.

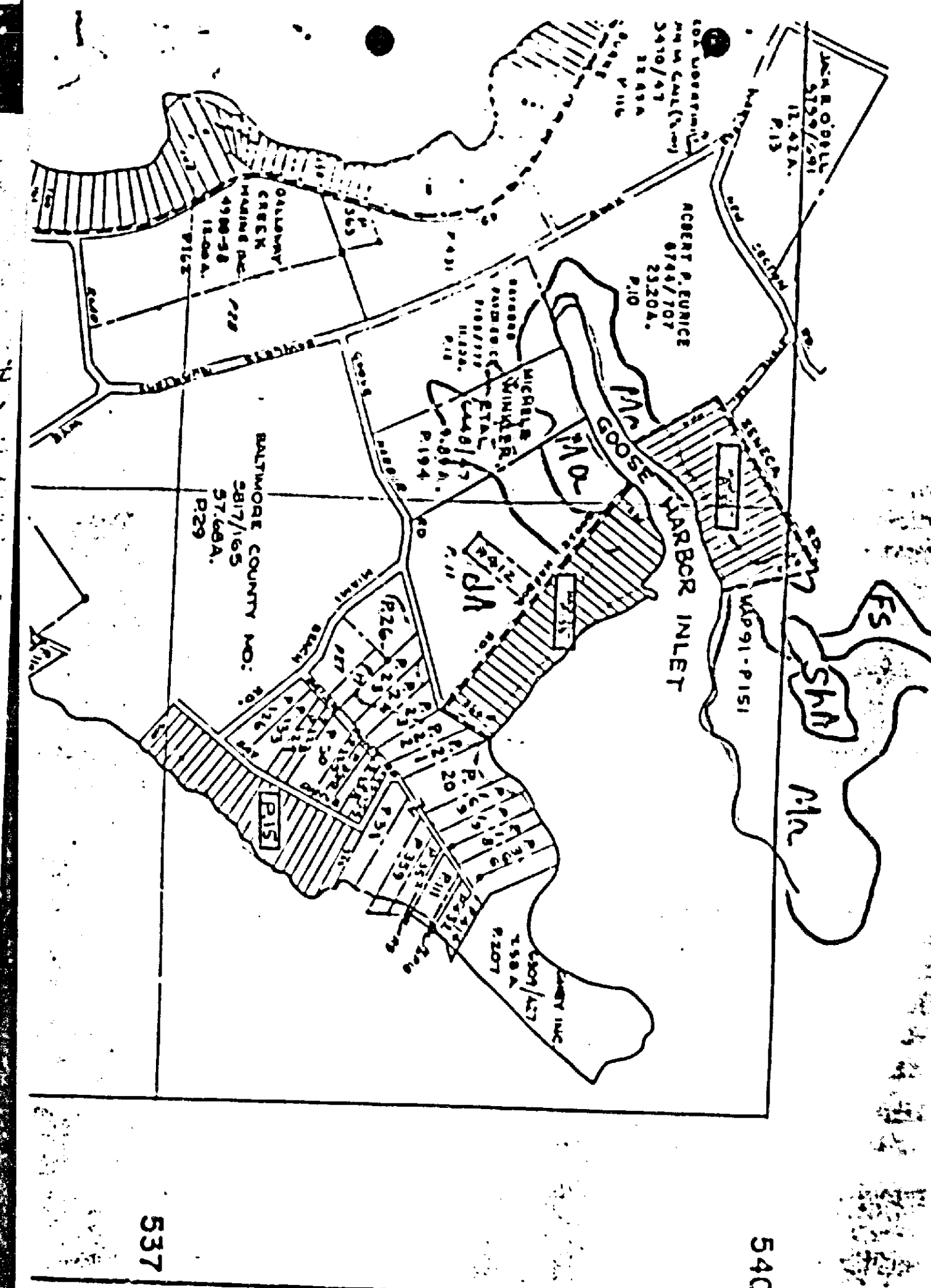
Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjjs

POINT OF BEGINNING BEING 50 FEET SOUTH OF STONE FOUND EAST SIDE GOOSE NECK ROAD, 30 FEET WIDE. THENCE LEAVING AFORESAID STONE THE FOLLOWING COURSES AND DISTANCES: (1) N45°-42'-00"E, FOR 195.4 FEET; N85°-30'-20"E, FOR 78.10 FEET; S45°-42'-00"W, FOR 255.4 FEET; AND, N44°-18'-00"W, FOR 50 FEET TO PLACE OF BEGINNING. BEING LOT #236 IN THE SUBDIVISION OF BOWLEYS QUARTER, CONTAINING .25 ACRES. DISTRICT 15 - 8th PRECINCT.



Lot size over 10,000 sq. ft. Pet for Zoning Variance
OWNER - Eugene A. Sobul, Sr.
District 15 Zoning R.C. 5
Subdivision: Subdivision of Bowleys Quarter
Lot #236
Plat Liber 112-12
Scale 1"=50'



Proposed by map
9/8

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 to permit side yard setbacks of 10 feet and 24 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Due to size of lot
2. New zoning laws.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
Eugene A. Sobul, Sr.
Eugene A. Sobul, Jr.
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Eugene A. Sobul, Jr.
21224 Phone No. 722-7855

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108 County Office Building in Towson, Baltimore County, on the 9th day of March, 1988, at 10:00 o'clock A.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County.

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 18, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 18, 1988

THE JEFFERSONIAN,
Eugene A. Sobul, Sr.
Publisher

30-39

